

Rules Amending Title 13
Hawaii Administrative Rules

(Date)

1. Chapter 64 of Title 13, Hawaii Administrative Rules, entitled "Kokee Public Fishing Area, Kauai" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 4

FISHERIES

PART III FRESHWATER FISHERIES MANAGEMENT AREAS

CHAPTER 64

KOKEE PUBLIC FISHING AREA, KAUAI

\$13-64-1	Intent and Purpose
\$13-64-1.2	Definitions
\$13-64-2	Prohibited activities
\$13-64-3	Permitted activities
\$13-64-4	Open fishing season
\$13-64-5	Fishing reports
\$13-64-6	Penalty
\$13-64-7	Severability

Historical Note: Chapter 64 of Title 13 is based substantially upon Regulation 39 of the Division of Fish and Game, Department of Land and Natural Resources, State of Hawaii. [Eff. 7/25/74; R 5/26/81]

§13-64-1 [Boundary. The Kokee public fishing area shall include the Kokee, Kauaikinana, Kawaikoi, Waiakoali, Mohihi, Poomau, Koaie and Waialae streams, Puu Lua reservoir, and Kokee ditch system except as prohibited in §13-64-2, and as delineated in "Map of the Kokee Public Public Fishing Area, Kauai 3/27/81," attached at the end of this chapter.] Intent and purpose. The intent and purpose of this chapter is to:

- 1) Provide the residents and visitors of Kauai a quality experience to recreationally fish for rainbow trout; and
- 2) Allow the department to adjust the open fishing season annually for the maximum benefit to the fishing public. [Eff: 5/26/81; comp 8/14/89; am and comp] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-64-1.2 Definitions. As used in this chapter:

"Department" means Department of Land and Natural Resources.

"Fish," "fish for," "fishing" means to take, catch, capture, confine, or harvest, or to attempt to take, catch, capture, confine, or harvest, aquatic life. The use of any gear, equipment, tool, or any means to take, catch, capture, confine, or harvest, aquatic life by any person who is in the water, or in a vessel on the water, or on or about the shore where aquatic life may be taken, caught, captured, confined, or harvested, shall be construed as fishing.

"Freshwater game fishing license" means the license issued by the department pursuant to section 13-74-10.

"Kokee public fishing area" means the area that includes the Kokee, Kauaikinana, Kawaikoi, Waiakoali, Mohihi, Poomau, Koaie and Waialae streams, Puu Lua irrigation reservoir, and Kokee ditch irrigation system, except as prohibited in section 13-64-2, and as delineated in Exhibit 1, entitled "Map of the Kokee Public Fishing Area, Kauai 3/27/81," attached at the end of this chapter and incorporated by reference.

"Treble hook" means a hook comprised of three wire lengths that end in points, with or without barbs.

"Trotlines" means a type of fishing gear consisting of a mainline with branch lines with baited hooks attached. The main line may be weighted or anchored on one end and the other end fixed to an object on the shore. The main line may also have floats to adjust the height of the lines in the water column. [Eff and comp] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-64-2 Prohibited activities. [No person shall] It is unlawful for any person to engage in the following activities within the Kokee public fishing area:

- (1) Fish for, catch, take, possess, or remove any rainbow trout except as provided in [§13-64-3] section 13-64-3;
- (2) Use any form of corn for bait;
- (3) Use treble hooks or more than one hook;
- [(3)] (4) Enter into or fish in that portion of Kokee stream including all tributaries above Camp Sloggett, which is declared as a prohibited fishing zone;
- [(4)] (5) Enter into or fish in any other area posted as a prohibited fishing zone;
- [(5)] (6) Damage or mutilate any public or private property including trees and shrubs, fencelines, gates, buildings, waterlines, and pumps;
- [(6)] (7) Contaminate or pollute any stream, ditch, spring, water hole, or reservoir;
- [(7)] (8) Possess any spears, chemicals, trotlines, nets other than as provided in [§13-64-3] section 13-64-3, or [other] illegal fishing gear;
- [(8)] (9) Operate any vehicle in any fishing area except on roads constructed for and open to vehicular use; or
- [(9)] (10) Utilize any aircraft to gain access for fishing purposes. [Eff: 5/26/81; am and comp 8/14/89; am and comp] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-64-3 Permitted activities. [A person may, with a valid State of Hawaii freshwater game fishing license, fish with one pole and line or one line using one lure or one baited hook attached to the single line, catch, take, possess, or remove any rainbow trout, provided that:

- (1) The open season for trout fishing shall begin on the first Saturday of the month of August for a period of sixteen consecutive days, and thereafter for the remainder of August and through September, only during the weekends and State holidays unless the open season had been suspended by the chairman of the board when such action is necessary for the protection and conservation of the trout resource;
- (2) The bag limit shall be seven trout for each licensee per fishing day, provided that any person may possess additional legally taken trout under refrigeration;
- (3) Fishing be conducted between 5:30 a.m. and 6:45 p.m. on each fishing day;
- (4) Use a dip net not exceeding two feet (0.61 meters) along the longest axis, excluding the handle, to land hooked trout; and
- (5) All fishermen be required to report before and after their fishing activities as follows:
 - (A) For the Kokee ditch system, Puu Lua reservoir and those using the camp ten or Halemanu roads for access, to sign in and sign out at the Kokee park headquarters or Kokee hunter checking station on a daily basis, provided that those camping in the back country must indicate such intention when signing in and signing out upon return;
 - (B) For those utilizing the Kukui trail for access, to sign in and sign out at the trailhead before entering and upon return; or
 - (C) For all others utilizing other access routes, to telephone the Department's

Kauai district office in Lihue with information relative to:

- (i) Description of access route;
- (ii) Expected date and time of entry;
- (iii) Expected date and time of return; and
- (iv) Number of trout caught upon return.]

(a) The Department may issue permits to engage in activities prohibited by this chapter, as provided in section 187A-6, HRS, or other law.

(b) During an open fishing season as provided in section 13-64-4, a person may fish for, possess, or remove rainbow trout or any aquatic life from the Kokee public fishing area, subject to the following conditions:

- (1) The person shall possess a valid freshwater game fishing license as required by section 13-74-10 and HRS section 188-50;
- (2) The person shall use only one pole and line, or one line with one lure or one baited hook attached to one line;
- (3) The person shall possess not more than a maximum number of trout daily as determined by the department for that open fishing season, subject to HRS section 188-50(d);
- (4) The person must allow inspection of any bag or container of any kind used to carry aquatic life, or any vehicle or any conveyance used to transport aquatic life;
- (5) The person shall fish only during a daily time period as determined by the department for that open fishing season;
- (6) The person shall use a dip net not more than two feet ((0.61 meters) along the longest axis, excluding the handle, to land hooked trout; and
- (7) The person shall fill out a report before and after each fishing activity as provided in section 13-64-5. [Eff 5/26/81; am and

comp 8/14/89; am and comp] (Auth: HRS §§187A-6, 188-50, 188-53)(Imp: HRS §§187A-6, 188-50, 188-53)

[§13-64-4 Penalty. A person violating the provisions of this chapter shall be guilty of a petty misdemeanor; and upon conviction thereof, shall be punished as provided by law.] [Eff 5/26/81; comp 8/14/89] (Auth: HRS §§188-50, 188-53) (Imp: HRS §§188-50, 188-53)

§13-64-4 Open fishing season. (a) The department shall announce annually on January 1 or soon thereafter, the period or periods during which the public can fish for rainbow trout.

(b) The department shall determine the total number of days open to fishing for the year, provided that the department may modify the open season and announce the modification when it recognizes conditions that support a lengthening or shortening of the open fishing season.

(c) Every effort will be made by the department to provide fishing opportunity, provided that should any work be required as part of maintenance of the irrigation system, this work may preclude fishing in some or all of that system. [Eff and comp
] (Auth: HRS §188-53) (Imp: HRS §188-53)

§13-64-5 Fishing reports. (a) All persons are required to report their fishing activities in the Kokee public fishing area as follows:

- (1) Those persons fishing the Kokee ditch system, Puu Lua reservoir, or those accessing the area through the camp ten or Halemanu roads, must sign in and sign out at the Puu Lua reservoir, Kokee park headquarters or Kokee hunter check-in station.
- (2) Those persons accessing the area through the Kukui trail, must sign in before entering and sign out upon returning to, the trailhead; or
- (3) Those persons using any other access route into the area, must telephone the department's Kauai district office in Lihue and provide the following information:

- (A) Description of access route;
- (B) Expected date and time of entry;
- (C) Expected date and time of return; and
- (D) Number of trout caught upon return.

(b) All persons are required to report their fishing activities daily, except those persons fishing while camping overnight or longer are required to report upon entering and leaving.

(c) The reports shall be on forms provided by the department and shall require date and time of entry, fishing locations, number of rainbow trout caught, fishing effort, date and time of return, freshwater game fish license number, and any other fishing related information the department may deem necessary. [Eff and comp] (Auth: HRS §188-53) (Imp: HRS §§188-50, 188-53)

§13-64-6 Penalty. Any person violating the provisions of this chapter shall be guilty of a petty misdemeanor, be subject to administrative penalties, and punished as provided by law. [Eff 5/26/81; comp 8/14/89; am and comp] (Auth: HRS §§187A-12.5, 188-53, 188-70) (Imp: HRS §§187A-12.5, 188-70)

§13-64-7 Severability. If any provisions of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable." [Eff and comp] (Auth: HRS §§1-23, 188-53) (Imp: HRS §§1-23, 188-53)

2. Material, except source notes, to be repealed is bracketed. New material is underscored.

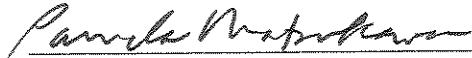
3. Additions to update source notes to reflect these amendments are not underscored.

4. These amendments to and compilation of chapter 13-64, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, and filed with the Office of the Lieutenant Governor.

PETER T. YOUNG, Chairperson
Board of Land and Natural
Resources

APPROVED FOR PUBLIC HEARING:



PAMELA MATSUKAWA
Deputy Attorney General

MAP OF THE KOKEE PUBLIC FISHING AREA, KAUAI 3/27/81

LEGEND

- 2-WHEEL DRIVE
- ==== 4-WHEEL DRIVE
- - - - FOOT TRAIL
- - - - HUNTING BDRY

